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November 21, 2001

Pages (including this page): 24

8484-101-999

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|--------------------------------------|--|------------------|----------------|
| Examiner U. Winkler Art Unit 1648 | United States Patent and Trademark Office | 703-308-4242 | 09/923,270 |

Confirmation copy *will not* follow.

Re: U.S. Serial No.: 09/923,270
Filed: August 3, 2001
By: Kleinschmidt et al.
Entitled: AVV-DNA COMPRISING HELPER VIRUS SEQUENCES
Our Ref.: 8484-101-999

ATTENTION: EXAMINER U. WINKLER

Dear Examiner Winkler:

Per your request attached is the Continuation of U.S. Patent Application Serial No. 09/676,223 (from 8484-087-999) as filed on August 3, 2001. Should you require any additional information, please do not hesitate to contact us.

Very truly yours,


Nathan A. Machin

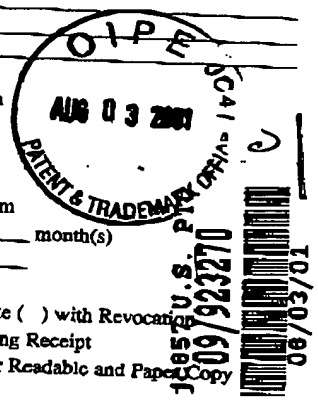
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CAI - 290421.1

Express Mail No. EL 452 480 895 US First Class Mail ()
 Date Mailed August 3, 2001
 Serial No. To be assigned Filed Herewith
 Inventor Kleinschmidt et al.
 For AAV-DNA COMPRISING HELPER VIRUS SEQUENCES

- | | |
|---|--|
| <input type="checkbox"/> Affidavit/Declaration | <input type="checkbox"/> Fee Address Indication Form |
| <input type="checkbox"/> Amendment () Response | <input type="checkbox"/> Fee Calculation |
| <input checked="" type="checkbox"/> Application <u>10</u> pages | <input type="checkbox"/> Issue Fee Transmittal |
| <input checked="" type="checkbox"/> <u>20</u> claims <u>2</u> drawing sheets | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Assignment () Cover Sheet | <input type="checkbox"/> Oral Hearing Request/Confirm |
| <input type="checkbox"/> Brief (in triplicate) | <input type="checkbox"/> Petition to Extend Time _____ month(s) |
| <input checked="" type="checkbox"/> Declaration & Power of Attorney (copy) | <input type="checkbox"/> Petition under 37 C.F.R. _____ |
| <input checked="" type="checkbox"/> Executed () Unexecuted () Copy | <input type="checkbox"/> Power of Attorney |
| <input type="checkbox"/> Declaration of Inventor(s) | <input type="checkbox"/> () by Assignee () Associate () with Revocation |
| <input type="checkbox"/> Executed () Unexecuted () Copy | <input type="checkbox"/> Request for Correction of Filing Receipt |
| <input type="checkbox"/> Design Application | <input type="checkbox"/> Sequence Listing w/Computer Readable and Paper Copy |
| <input type="checkbox"/> Disclaimer () Disclaimer Fee | <input type="checkbox"/> Small Entity Statement |
| <input checked="" type="checkbox"/> Disclosure Statement (X) Form PTO-1449 (dupl) | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> w/refs. (X) w/o refs. | <input checked="" type="checkbox"/> Transmittal Letter for Continuation (dupl) |
| <input type="checkbox"/> Drawings, Formal | |
| _____ Sheets _____ Figures | |



Other: return postcard
 File No. 6484-101-999 Sender: LAC/NRM/yc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner Winkler, U.
 Art Unit 1648

Assistant Commissioner for Patents
 Box PATENT APPLICATION
 Washington, D.C. 20231

Sir:

This is a request for filing a continuation divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/676,223 filed on September 29, 2000.

of Jürgen Kleinschmidt, Dirk Grimm, Karola Rittner
(inventor(s) currently of record in prior application)

for AAV-DNA COMPRISING HELPER VIRUS SEQUENCES
(title of invention)

1. The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

| TYPE | NO. FILED | LESS | EXTRA | EXTRA RATE | FEE |
|---|-----------|------|-------|--------------|-----------|
| Total Claims | 20 | -20 | 0 | \$18.00 each | \$ 0.00 |
| Independent | 3 | -3 | 0 | \$80.00 each | \$ 0.00 |
| Basic Fee | | | | | \$ 710.00 |
| Multiple Dependency Fee If Applicable (\$270.00) | | | | | \$ 270.00 |
| Total | | | | | \$ 980.00 |
| 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern | | | | | \$ 0.00 |
| Total Filing Fee | | | | | \$ 980.00 |

2. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. Amend the specification by inserting before the first line the following sentence: This is a continuation of application no. 09/676,223, filed September 29, 2000.
- 4a. New formal drawings are enclosed.

- 4b. Informal drawings are enclosed.
- 5a. Priority of application no. 196 44 500.0 filed on October 25, 1996 in Germany is claimed under 35 U.S.C. §119.
- 5b. The certified copy has been filed in prior application no. 09/297,225, filed April 23, 1999.
6. The prior application is assigned of record to Krebsforschungszentrum and Transgene S.A.
- 7a. A copy of the Power of Attorney filed in the prior application no. 09/676,223, filed September 29, 2000 is enclosed.
- 7b. A Power of Attorney is enclosed.
8. This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. Additional enclosures or instructions.
- Enclosed is a copy of the Substitute Specification as filed in Application No. 09/676,223, filed September 29, 2000; and the Declaration and Power of Attorney as filed in the prior application;
 - Information Disclosure Statement, PTO Form 1449 without references; and
 - An extension of time for a period of 3 months has been filed in application serial number 09/676,223 filed September 29, 2000 for which this Continuation application claims priority.

Date August 3, 2001

Respectfully submitted,

Nathan A. Machin

Nathan A. Machin

OFFICIAL

47,763

(Reg. No.)

For Laura A. Coruzzi (Reg. No. 30,742)
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